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EXAMINER

LAI, ANNE VIET NGA

ART UNIT

PAPER NUMBER

2636

DATE MAILED: 09/12/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/052,714

Applicant(s)

LAVECCHIA ET AL.

Examiner

Anne V. Lai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,8,12-15 and 18-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,8,12-15 and 18-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 30 June 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities:

In page 2, line 4: "said control means" should be changed to --a control means--.

In page 2, line 5: "a control means" should be changed to --the control means--.

In page 3, line 10: "a valuable cases" should be changed to -- a valuable case--.

In amendments to claim 1, 20, 21 and 22: all "valuables" should be changed to --valuable--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 18 and 20 are rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention.

Evidence that claims 18 and 20 fail(s) to correspond in scope with that which applicant(s) regard as the invention can be found in figure 6 and in page 8, lines 13-16. Applicant has stated: "In the first stage, the sequencer 30 sends a signal to the battery circuit 31 that causes the LED 41 to light up when the battery's own

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voltage is below a determined value. At the same time, the luminosity detection circuit 32 checks the luminosity in the environment and, if the light levels are insufficient, causes the LED 50 to light up", and this statement indicates that the invention is different from what is defined in the claim(s) because the LED 41 (in figure 6) or LED 20 (in figures 3 and 5) indicates the battery charge level and the luminosity detection circuit 32 does not indicate the battery charge level.

4. Claims 21 and 22 recite the limitation "portable valuable case" in page 4 lines 11 and 20 and page 5, line 1. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by **Lekhtman** [US.4,183,019].

Regarding claim 1, **Lekhtman** discloses a security device for a portable valuable case (money clip containing money bill, figs.1-2) comprising:

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a battery 9, a light-responsive means 7 and a transmitter 19 installed in the case;

a switch 17 (control device) controlling the transmitter unit;

a control means (13, 15) electrically connected to the light-responsive means and arranged to control the transmitter;

a remote receiving unit (col.1, lines 8-9 and col.3 lines 28-29) receiving signal from the transmitter for activating an alarm at the receiver.

7. Claim 22 is rejected under 35 U.S.C. 102(b) as being anticipated by **Simanowitz** [US.4,692,745].

Regarding claim 22, **Simanowitz** discloses an alarm system for a portable valuable case (wallet, briefcase, billfold) comprising (abstract, figs.1 &6): a battery 12, a light-responsive means 13, an alarm 14, a control means 16 operatively connected to the light-responsive means, and the alarm 14 emits an audio alarm upon a reduction in the amount of light falling on the light-responsive means.

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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9. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Lekhtman** in view of **Graf** [Encyclopedia of Electronic circuits, vol.3, page 413, fig. 67-6].

Regarding claim 8, **Lekhtman** does not specifically disclose in detail a photocoupler circuit, however, the use of photocoupler in the light responsive control device is well known. **Graf** teaches a photocoupler comprising a diode DT230F and a transistor H11BI for control driving (SC1408) an indicator lamp. Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to implement as designer choice the photocoupler of **Graf** to **Lekhtman** security device to drive the control device base on the light responsive condition.

10. Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Lekhtman** in view of **Graf** [Encyclopedia of Electronic circuits, vol.2, page 4, fig. 1-5].

Regarding claims 12 and 13, **Lekhtman** discloses the control means comprise an amplifier. It is obvious that in circuit design, one could choose a variety of amplifiers, including operation amplifiers. **Graf** teaches a photoelectric alarm system comprising two operational amplifiers (CA3078 and CA 3164A in fig.1-5).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to implement **Graf** teaching using one

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or more operational amplifiers as user choice in the light responsive control means for activating a signaling device.

11. Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Lekhtman** in view of **Mackenzie** [US. 5,493,278].

Regarding claims 14-15, **Lekhtman** discloses the security device comprise a logic circuit. It is obvious that in circuit design, one could choose a variety of logic circuits. **Mackenzie** suggests a sequencer 13 (fig. 1 and col.3, lines 41-57) comprising two logic NAND ports for driving alarm devices. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to use as well the **Mackenzie** sequencer NANDs in **Lekhtman** security device for driving the alarm control device.

12. Claims 18, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Lekhtman** in view of **Middlemiss** [US.6,184,788]. The rejection to claims 18, 20 and 21 are based on the best understanding of the claimed statement.

Regarding claim 18, **Lekhtman** does not disclose the security device comprising a battery charge level indicating means, however the battery charge level indicating is well known. **Middlemiss** teaches a valuable case (credit card carrying case, fig. 7) having a battery 30 and a low battery voltage circuit 32 to indicate a low/replace battery condition (LED 12, col. 6, lines 50-51 and lines 59-61).

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Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to implement the valuable case with an indicating device to remind the user of charging the battery and therefore provide the user a reliable alarm system.

Regarding claim 20, **Lekhtman** disclosed a security device for a valuable case comprising at least one electrical power source 9; a light responsive means 7 installed in the valuable case and energized by the power source upon control (switch 17 on) and by a change in environment lighting conditions, thereby generating a control signal for energizing the alarm system.

The **Lekhtman** device does not have a circuit to indicate the charge level of the power source, however as stated above, one having ordinary skill in the art could apply **Middlemiss** teaching in adding a circuit to indicate a low/replace battery condition.

Regarding claim 21, **Lekhtman** discloses the portable valuable case comprising:

a signal transmitter (19, 21) installed in the portable valuable case, a control device for the transmitter (switch 17) a control means (13, 15) electrically connected to a light-responsive means 7 and arranged to control the transmitter;

a remote receiving unit receiving signal from the transmitter (col.3, lines 26-35), having an alarm and alarm control means.



***Response to Arguments***

13. Applicant's arguments with respect to claims 1, 6, 12-15, 16 and 20-22 have been considered but are moot in view of the new ground(s) of rejection.

14. In response to applicant argument that **Lekhtman** alarm is triggered only upon an uncovering of a photosensor: The limitation of claims 1, 8, 12-15, 18 and 20-22 discloses the light-responsive means is energized by a change in environment lighting, the limitation does not specifically claim the covering of the photosensor or the reduction of the light level.

***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Sharp** discloses a remotely activated alarm system. [US. 4,591,835]

**Buyak** discloses a strobe alarm circuit. [US. 4,952,906]

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne V. Lai whose telephone number is 703-305-7925. The examiner can normally be reached on 8:30 am to 6:00 pm, Monday to Thursday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hofsass Jeffery can be reached on 703-305-4717. The

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fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4800.

*AVL*  
A. V. Lai  
September 09, 2003

  
JEFFERY HOFSSASS  
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